

## UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

FILED UNDER SEAL

V.

ARNULFO FLORES, JR.

WARRANT FOR ARREST

CASE NUMBER: M-03-3492-14

TO: The United States Marshal  
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest Arnulfo Flores, Jr.

Name

and bring him forthwith to the nearest magistrate to answer a

     Indictment      Information   X   Complaint      Order of court      Violation Notice      Probation Violation Petition

charging him with knowing and in reckless disregard of the fact that certain persons were aliens who had come to, entered, and remained in the United States in violation of law, unlawfully, knowingly, and intentionally combining, conspiring, confederating, and agreeing with other persons to transport, move, attempt to transport, and attempt to move said aliens by means of transportation and otherwise, in furtherance of such violation of law, within the Southern District of Texas, for the purpose of commercial advantage and private financial gain, during and in relation to which the defendant placed in jeopardy the life of a person, and the death of a person resulted,

in violation of Title   8   United States Code, Section(s) 1324(a)(1)(A)(v)(I), 1324(a)(1)(B)(i), 1324(a)(1)(B)(iii) & 1324(a)(1)(B)(iv).

Dorina Ramos  
Name of Issuing Officer

United States Magistrate Judge  
Title of Issuing Officer

Dorina Ramos  
Signature of Issuing Officer

7/29/03 McAllen, Texas  
Date and Location

Bail fixed at \$ No Bond by

Dorina Ramos  
Name of Judicial Officer

UNITED STATES DISTRICT COURT  
Southern District of Texas  
FILED

SOUTHERN DISTRICT OF TEXAS

JUL 29 2003

UNITED STATES OF AMERICA

FILED UNDER SEAL Michael N. Milby, Clerk of Court

V.

ARNULFO FLORES, JR.

CRIMINAL COMPLAINT

CASE NUMBER: M-03-3492-M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief:

From on or about January 1, 2000, to on or about February 17, 2003, in Cameron County, in the Southern District of Texas defendant, knowing and in reckless disregard of the fact that certain persons were aliens who had come to, entered, and remained in the United States in violation of law, did unlawfully, knowingly, and intentionally combine, conspire, confederate, and agree with other persons to transport, move, attempt to transport, and attempt to move said aliens by means of transportation and otherwise, in furtherance of such violation of law, within the Southern District of Texas, for the purpose of commercial advantage and private financial gain, during and in relation to which defendant placed in jeopardy the life of a person, and the death of a person resulted,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(v)(I), 1324(a)(1)(B)(i), 1324(a)(1)(B)(iii) & 1324(a)(1)(B)(iv).

I further state that I am a Special Agent of the Bureau of Immigration and Customs Enforcement and that this complaint is based on the Official Title

following facts: SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part herof:

☒ Yes ☐ No

Alonso Martinez Jr.  
Alonso Martinez, Jr.  
Complainant

Sworn to before me and subscribed in my presence,  
and I find probable cause

7/29/03 at  
Date

McAllen, Texas  
City and State

United States Magistrate Judge  
Name and Title of Judicial Officer

Danilo R. Rana  
Signature of Judicial Officer

Affidavit of Supervisory Special Agent Alonzo Martinez

Upon being duly sworn, I, Alonzo Martinez, state as follows:

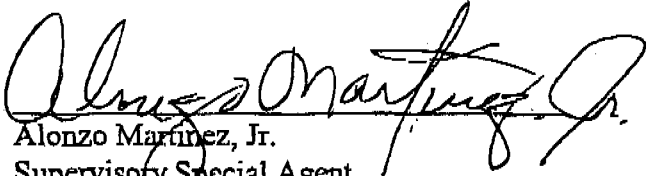
1. I am over twenty-one (21) years of age and am competent to testify and to make this affidavit. I am a Supervisory Special Agent for the Bureau of Immigration and Customs Enforcement ("BICE"). I am the case coordinator for the Denison Eleven investigation, which concerns the identification and preparation for prosecution of those responsible for the deaths of eleven undocumented aliens found dead from dehydration and hyperthermia in a grain hopper, a type of railroad car, in Denison, Iowa on October 14, 2002.
2. During the course of this investigation, BICE agents have identified Arnulfo Flores, Jr. ("Flores") as a participant in a conspiracy, from approximately January 1, 2000, to approximately February 17, 2003, to transport undocumented aliens aboard Union Pacific Railroad cars, from Harlingen, Texas, to Kingsville, Texas. The smugglers, who were themselves undocumented aliens, transported the aliens aboard the Union Pacific railroad cars in an effort to evade the United States Border Patrol check point at Sarita, Texas, along U.S. 77, the main highway leading out of the Rio Grande Valley toward Houston, Texas.
3. Union Pacific Railroad representatives have informed me that the freight trains leaving the Rio Grande Valley do not follow a predictable schedule every day, but are controlled by a dispatcher. There is a single main rail line leading north from Brownsville, Texas, through Harlingen, Texas, and northward. There are a few sidings, at which northbound and southbound trains can pass by one another. To regulate this traffic, conductors are issued track warrants, which authorize them to proceed along a given segment of track. They must wait for the next warrant before proceeding on the next segment of track. This process is controlled by a dispatcher working out of Spring, Texas.
4. Bulletins concerning train movement, which were issued to the train crews, as well as related information, is available to all conductors through the Union Pacific computer system. Accordingly, any conductor, regardless of whether he is a conductor for any given train, can determine where and when a train will need to stop.
5. Flores is a conductor employed by Union Pacific Railroad and was a conductor employed by Union Pacific Railroad during the course of the conspiracy. According to a confidential informant, who has provided reliable information that has led to successful prosecutions on multiple occasions in the past, Flores provided the smugglers, including Juan Fernando Licca-Cedillo aka Alvaro Galicia Castro aka Cacahuatate ("Licca"), with information on where and when the northbound Union Pacific trains headed out of the Rio Grande Valley were expected to stop. According to the confidential informant, the smugglers needed

this information so that they would know where and when they could stage the aliens and load them onto the train. Flores provided this information not only for trains he was conducting, but also for other Union Pacific trains.

6. This information was corroborated by a second cooperating confidential informant who was an associate of Licea and a co-conspirator and who overheard Licea and the co-conspirator discuss Flores and the train schedule information he would provide and Flores's demands to be paid for the information on at least five separate occasions. The second cooperating confidential informant met Flores, with Licea and the co-conspirator.
7. This information was also corroborated by a third cooperating confidential informant currently in custody, who drove aliens in private vehicles to and from stash houses for Licea. The third cooperating confidential informant witnessed and overheard multiple conversations during which Licea and Flores discussed smuggling aliens on the train and Flores's assistance in the operation by providing information on when and where the trains were scheduled to stop. The third cooperating confidential informant witnessed Licea pay Flores substantial amounts in cash at least once a week, and a total of at least ten times, at various bars they would patronize in the Rio Grande Valley. This third cooperating confidential informant stated that the smugglers typically loaded aliens on the last of four trains to leave Harlingen, Texas, usually approximately 10:30 or 11:00 p.m. Moreover, according to the third cooperating confidential informant, Flores would stop the train in Raymondville, Texas, to permit the smugglers to load aliens, on the pretext that Flores had to check a loose car connection.
8. A fourth cooperating confidential informant currently in custody and who smuggled aliens with Licea corroborated this information. He/she confirmed that Flores, Licea's connection with Union Pacific Railroad, provided Licea with information on when the train would stop. She said Flores was paid \$50 per alien or \$500 per smuggler for the information on the train schedule.
9. In addition to the cash payments from Licea, based on Western Union records that have been subpoenaed, Flores during the course of the conspiracy received and sent money via Western Union from Jose Miguel Ochoa aka Bebe ("Ochoa"), who is currently in custody, another alien smuggler identified by multiple cooperating confidential informants.
10. BICE agents have subpoenaed the telephone records for all known telephones used during the course of the conspiracy. During the period from approximately April 23, 2002, to February 17, 2003, Licea telephoned Flores approximately 174 times, and Flores telephoned Licea approximately 190 times. In addition, Ochoa telephoned Flores at least approximately 63 times, and Flores telephoned Ochoa approximately 464 times. Toll records indicate Licea and Flores spoke on approximately six occasions during the night and into the early morning hours

when the aliens ultimately found dead in the railroad car in Denison, Iowa were loaded onto the train and that Flores spoke with both Licea and Ochoa later the same day, once the smugglers realized the load of aliens was missing.

Further affiant sayeth not.

  
Alonzo Martinez, Jr.  
Supervisory Special Agent  
Bureau of Customs and Immigration Enforcement

Subscribed to and sworn before me, the undersigned judicial officer, on this 29<sup>th</sup> day of July, 2003, at McAllen, Texas.

  
United States Magistrate Judge